

this amendment are the same as, or no greater than, the number and type of originally presented, but now cancelled claims. Nevertheless, an appropriate authorization to charge or credit the deposit account of applicant's attorney is enclosed in the required duplicate original form -- to be used if necessary.

REMARKS

Claims 1 to 12 are in the application. Claims 2 to 12 stand rejected under 35 U.S.C. 112. Claims 1 to 12 stands ejected under 35 U.S.C. 102 as anticipated by U.S. Patent Number 5,487,568 to Ipsen (hereafter Ipsen).

Appropriate amendments, as suggested by the Examiner have been made to overcome the rejections under 35 U.S.C. 112. The rejection under 35 U.S.C. 102 is respectfully traversed.

RESPONSE TO CLAIM OBJECTIONS

The Examiner has made a number of claim objections. Applicant's attorney has interpreted as a statement of the Examiner's preferred form of claim. Attempts to use the Examiner preferred form of claims without compromising the applicant's rights are set forth in this amendment.

RESPONSE TO POTENTIAL DOUBLE PATENTING REJECTION

The Examiner has alleged that Claims 3 and 4 are substantially similar to 9 and 10; and that Claims 5 and 6 are substantially similar to 11 and 12. Applicant disagrees with the suggestions. For that suggestion to be accurate, Claims 1 and 7 would have to relate to substantially similar

devices. However, the different frames are clearly depicted in the drawings and reflected in these claims. Since such sets these claims are not duplicates, it is respectfully submitted that the double patenting suggestion should not mature into a rejection.

RESPONSE TO 35 U.S.C. 112 REJECTION

The Examiner indicated in the rejection that certain phraseology is preferred. Attempts have been made to incorporate the Examiner suggestions. More specifically, Claim 2 and Claim 8 have been amended as suggested by the Examiner.

The reference to the at least one tab being awkward in Claim 3 is not understood. It is well set forth in the specification that applicants' device is positioned on a vehicle in the license plate area. While the vehicle is still on the daily lot at a dealer, applicant's device is left whole. When the vehicle is sold, the advertising device is separated into the frame and center portion by breaking all tabs holding the center portion on the frame. Any number of suitable tabs may be used to hold the advertising device together. When it is designed to place a license plate on the vehicle, the center portion is separated from the frame in the frame may be left around a license plate.

With regard to Claim 7, applicant's invention relates to an advertising device. It logically follows an advertising

device has some information useful for advertising thereon. Such referenced applicant's printing on his device, when taken with the structure set forth in the claim, is clearly proper.

The claims have been reviewed and clarified in order to overcome this rejection by the Examiner. Accordingly, all claims, remaining herein, are believed allowable. Such action is respectfully requested.

RESPONSE TO 35 U.S.C. 102 REJECTION

Claims 1 to 12 to stand rejected under 35 U.S.C. 102 as anticipated by U.S. Patent 5,487,568 to Ipsen (hereafter Ipsen). This rejection is respectfully traversed.

The reference relates to an adhesive assembly which may be mounted at a vehicle window. The adhesive assembly has a plurality of sheets, which may be removed therefrom as desired. The references so-called center portion is a sheet between two other sheets.

Such structure is completely different from applicants' structure. Applicants have no such no layer of a sheet structure. Applicants' structure is a flat, rigid sheet, with a center portion separable from a frame due to perforations and tabs. This structure, as claimed, is substantially different than the structure of the reference. Accordingly this reference cannot anticipate these claims.

The citation of Ex Parte Masham 2 U.S.P.Q.2d is not well taken. Applicants' recite structure and use. The very

structure of a tab and a slit permits the separation of the center portion from the frame.

The citation of the In re Hutchinson 69 U.S.P.Q. 138 is not well taken. Applicants' structure is defined. The fact, that applicants add a function of that structure to the definition thereof, is well-settled as being permitted.


Applicants' claims are replete with structure plus function. Since means plus function is permitted, it follows that structure plus function is also permitted. There is a frame and the center portion to the frame. The center portion is separated from the frame by breaking of the defined tabs.

Accordingly, all claims, remaining herein, are believed allowable. Such action is respectfully requested.

CONCLUSION

Accordingly, all rejections having been overcome by amendment or traversed by remarks, reconsideration and allowance of the instant application is respectfully requested. Applicant's attorney remains amenable to assisting the Examiner in the allowance of this application.

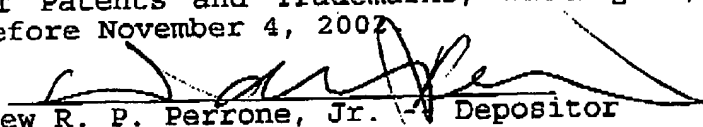
In the alternative, this amendment places the application in better condition for appeal. Entry thereof is therefor requested.



Mathew R. P. Perrone, Jr.

I hereby certify that this correspondence is being deposited with by after final fax to (703)872-9327 addressed to:

Commissioner of Patents and Trademarks, Washington, D. C.
20231, on or before November 4, 2002


Mathew R. P. Perrone, Jr. Depositor

Mathew R. P. Perrone, Jr.
Attorney for Applicant
210 South Main Street
Algonquin, Illinois 60102
Telephone Number 847-658-5140
Registration Number 22,951
Date of Faxing: on or before November 4, 2002.

Official

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OCT 30 2002

GROUP 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PRIMARY EXAMINER

Inventor: Michael Nowak)	
)	
Title: MULTIPURPOSE ADVERTISING DEVICE)	Group Art Unit:
)	3628
Serial Number: 09/705,411)	
)	Examiner:
Filing Date: November 3, 2000)	James M.
)	Hewitt
Attorney's Docket Number: Y2K.0090)	
Assistant Commissioner for Patents		
Washington, D.C. 20231		

Dear Sir:

CLAIMS APPENDIX

AMENDMENTS TO THE CLAIMS

please amend the claims as follows:

Claim 2 (twice amended). The advertising device of
Claim 1 wherein:

- (a) the [frame] advertising device has at least one slit separating the center portion from the frame;
- (b) the [frame] advertising device has at least one tab connecting the center portion to the frame;
- (c) the at least one tab is capable of being severed in order to separate the center portion from the frame;
- (d) the at least one slit and at least one tab provides a shape for the center portion relative to the frame.

Claim 8. (once amended) The vehicle of Claim 7 wherein:

(a) the [frame] advertising device has at least one slit separating the center portion from the frame;

(b) the [frame] advertising device has at least one tab connecting the center portion to the frame;

(c) the at least one tab provides for severing the center portion from the frame; and

(d) the at least one slit and the at least one tab provides a shape for the center portion relative to the frame.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PRIMARY EXAMINER

Inventor: Michael Nowak)
Title: MULTIPURPOSE ADVERTISING DEVICE) Group Art Unit:
Serial Number: 09/705,411) 3628
Filing Date: November 3, 2000) Examiner:
Attorney's Docket Number: Y2K.0090) James M.
Hewitt

Assistant Commissioner for Patents
Washington, D.C. 20231

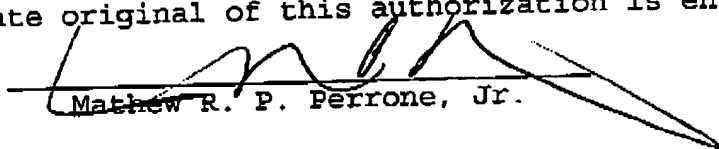
Dear Sir:

DEPOSIT ACCOUNT AUTHORIZATION

No fee is believed due with the enclosed amendment.

Nevertheless, you are hereby authorized to charge my
deposit account number 16-1375 any deficiencies.

A duplicate original of this authorization is enclosed.


Mathew R. P. Perrone, Jr.

Mathew R. P. Perrone, Jr.
Attorney for Applicants
210 South Main Street
Algonquin, Illinois 60102
Telephone Number 847-658-5140
Registration Number 22,951
faxed to (703)872-9327 on or before November 4, 2002

Official

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